

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RYAN ROGAN,

Plaintiff,

Case No. 19-cv-12975
Hon. Matthew F. Leitman

v.

TIMOTHY TOMLINSON AND
CITY OF ROSEVILLE,

Defendants.

/

**ORDER (1) ADOPTING REPORT AND RECOMMENDATION
(ECF No. 63) AND DISMISSING PLAINTIFF'S SECOND AMENDED
COMPLAINT (ECF No. 34) WITHOUT PREJUDICE**

In this action, *pro se* Plaintiff Ryan Rogan brings claims under federal and state law against the City of Roseville and its City Attorney, Timothy Tomlinson (collectively, the “Defendants”). (*See* Sec. Am. Compl., ECF No. 34.) Rogan’s claims arise out of his contention that the Defendants wrongfully failed to return his driver’s license after it was seized in connection with his arrest on August 9, 2015. (*See id.*)

On March 23, 2021, the Court issued an order in which it dismissed all of Rogan’s federal claims with prejudice *except* for a Section 1983 due process claim and dismissed all of Rogan’s state claims without prejudice. (*See* Order, ECF No. 46.)

On December 29, 2021, the assigned Magistrate Judge issued a report and recommendation in which he recommended that the Court dismiss Rogan's sole-remaining federal claim and dismiss his Second Amended Complaint without prejudice (the "R&R"). (See R&R, ECF No. 63.) At the conclusion of the R&R, the Magistrate Judge informed the parties that if they wanted to seek review of the recommendation, they needed to file specific objections with the Court within fourteen days. (See *id.*, PageID.970-971.)

Rogan has not filed any objections to the R&R. The failure to object to an R&R releases the Court from its duty to independently review the matter. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985). Likewise, the failure to file objections to an R&R waives any further right to appeal. *See Howard v. Sec'y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987).

Accordingly, because Rogan has failed to file any objections to the R&R, **IT IS HEREBY ORDERED** that the Magistrate Judge's recommended disposition of this action is **ADOPTED**.

IT IS FURTHER ORDERED that Rogan's Second Amended Complaint (ECF No. 34) is **DISMISSED WITHOUT PREJUDICE**.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: February 14, 2022

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on February 14, 2022, by electronic means and/or ordinary mail.

s/Holly A. Ryan
Case Manager
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